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Re: *United States of America v. Samy Mohamed Hamzeh*

Dear Mr. Bugni,

Your office has retained me to give expert opinion on illegal gun sales in Milwaukee, my experience dealing with illegal gun sales, how they are usually purchased and sold, and my experience with machine guns, specifically. I am being paid \$150.00.

I had been employed for 25 years with the Sheriff's Office, 5 years with Milwaukee Police Department, 2 years as a task force officer with Bureau of Alcohol, Tobacco, and Firearms (BATF).

In that time, I investigated illegal gun activity on several hundred occasions, including homicides, non-fatal shootings, reckless use of weapons, carrying concealed weapons, felon in possession of firearm violations, straw purchases, illegal gun sales. During my two years with the BATF, I was assigned to the Firearms Trafficking Task Force, which focused on illegal weapon violations. During that time, I made approximately one hundred arrests for weapon violations.

This included a former BATF confidential informant who resided in Hartford, WI, who obtained approximately 14 firearms, taken in a gun store burglary. He brought those firearms to Milwaukee, where he sold them out of his vehicle in a parking lot near N. 14<sup>th</sup> St. and W. North Ave. The investigation involved tracking down those stolen guns, prosecuting the seller as well as the purchasers, most of whom were convicted felons.

While I have never worked undercover personally to buy illegal weapons, I have assisted in cases where undercover officers were involved. I have used confidential informants frequently in illegal weapon investigations. Many of these investigations were undertaken as a result of information received from reliable informants.

Most of the illegal gun sales that I knew about involved handguns, both revolvers and semi-automatics. Many are of low quality, and significant number have been stolen. The stolen firearms come from burglaries, auto break-ins, and drug users who steal them from family members to trade for narcotics.

In that time, my experience was that most gun sales occur between individuals who already know each other, oftentimes they are involved in criminal activity together. Typically, someone looking to purchase a weapon illegally, reaches out to his friends and associates. They in turn might reach

out to people they know. Other times and frequently with convicted felons, they will use girlfriends or family members to "straw purchase" firearms from gun stores. In addition to these illegal sales, occasionally individuals will "rent" firearms to associates for a particular criminal activity, and it will be returned to that person after the need is over. My experience is also that people who have illegal guns for sale usually sell them to friends and close associates. Gun sales rarely occur between complete strangers.

In all of the time I spent investigating illegal gun sales, I never encountered a machine gun being for sale. Also, in all my time in law enforcement I personally never encountered a "machine gun" on the streets of Milwaukee, nor have I been present when one was recovered by any other officer. I have never investigated any crimes where a "machine gun" was purportedly used. I am aware from news reports of a fully automatic weapon being stolen from a parked automobile belonging to the BATF, which has never been recovered but that was the only time I heard of one.

In preparation for my testimony, I reviewed reports provided by the Federal Public Defenders Office, of cases involving "machine guns" prosecuted over the last 15 years. I found only two cases in Milwaukee County involving fully automatic weapons occurring prior to the arrest of Samy Hamzeh. From those reports, I am now aware that a fully functioning automatic machine gun was recovered by the Milwaukee County Sheriff's Office Gun Reduction Interdiction Program (GRIP) unit during a traffic stop in 2006. *State v. Sileno*, Case Number: 2006CF002261. The GRIP unit recovered several hundred guns in its three-year operation, and this is the only "machine gun" recovered.

The report file also contained a criminal complaint from 2004, detailing the arrest of an individual who pled guilty to the offense of possession of a machine gun in the city of Milwaukee. *State v. Stevens*, Case Number: 2004CF001145. Beside these instances, I am not aware of any other cases involving fully automatic firearms in Milwaukee.

Thank you for your attention to this matter.

Sincerely,

  
John M. Davis